



STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

Amended License for Diversion and Use of Water

APPLICATION 15623

PERMIT 10214

LICENSE 10830

Page 1 of 4

THIS IS TO CERTIFY, That

Mt. Ralston Properties Association, Inc.
c/o Todd Neill, President
3140 Sierrama Drive
Shingle Springs, CA 95682

has the right to use waters of **Tamarack Creek** in **El Dorado County**

tributary to **South Fork American River** thence **American River**

for the purpose of **Standby Emergency Domestic and Fire Protection uses.**

Amended License 10830 supersedes the license originally issued on **July 24, 1978**, which was perfected in accordance with the laws of California, the regulations of the State Water Resources Control Board (State Water Board) or its predecessor, and the terms of **Permit 10214**. The priority of this right dates from **November 27, 1953**. Proof of maximum beneficial use of water pursuant to Application 15623 was made as of **July 29, 1975**.

The amount of water that may be used under this license is limited to the amount actually beneficially used for the stated purposes and shall not exceed **fourteen thousandths (0.014) cubic foot per second to be diverted from January 1 to December 31 of each year. The maximum amount diverted under this license shall not exceed 6.0 acre-feet per annum.**

Unless a change is approved by the State Water Board, water used under this license may be diverted, rediverted, stored and used only as specified below:

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

North 1,300 feet and East 650 feet from S $\frac{1}{4}$ corner of Section 9, T11N, R17E, MDB&M, being within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 9.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

Within N $\frac{1}{2}$ of NE $\frac{1}{4}$ and SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 16, T11N, R17E, MDB&M, as shown on map on file with the State Water Board.

This license shall not be construed as conferring upon the licensee right of access to the point of diversion.

(0000022)

Use of water under this license is restricted to Standby Emergency Domestic and Fire Protection uses and the license shall remain active only so long as the standby diversion system and service facilities are maintained in proper operating condition.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

Reports shall be filed promptly by the licensee on the appropriate forms which will be provided for the purpose from time to time by the State Water Board.

Licensee shall allow representatives of the State Water Board and other parties, as may be authorized from time to time by the State Water Board, reasonable access to project works to determine compliance with the terms of this license.

Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the State Water Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the State Water Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

The quantity of water diverted under this license is subject to modification by the State Water Board if, after notice to the licensee and an opportunity for hearing, the State Water Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the State Water Board finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

If construction or rehabilitation work is required for the diversion works covered by this license within the bed, channel, or bank of the affected water body, the licensee shall enter into a streambed or lake alteration agreement with the State Department of Fish and Game. Licensee shall submit a copy of the agreement, or waiver thereof, to the Division of Water Rights prior to commencement of work. Compliance with the terms and conditions of the agreement is the responsibility of the licensee.

This license is granted and the licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the State Water Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article (of the Water Code) and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefore shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

STATE WATER RESOURCES CONTROL BOARD



*Victoria A. Whitney, Chief
Division of Water Rights*

Dated: **AUG 02 2005**

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STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of Licenses 10829, 10830 and 12457 (Applications 11264, 15623 AND 26577)
Tamarack Park Homeowners Association, Inc. and
Mt. Ralston Properties Association, Inc.

**ORDER FOR PARTIAL LICENSE REVOCATION AND
ISSUANCE OF AMENDED LICENSES 10829, 10830 AND 12457**

SOURCE: Unnamed Spring tributary to Tamarack Creek and Tamarack Creek all tributary to the
South Fork American River thence American River

COUNTY: El Dorado

WHEREAS:

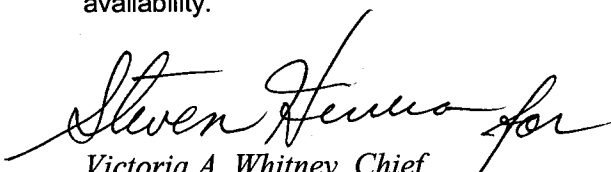
1. A Partial Revocation Request from Tamarack Park Homeowners Association, Inc. (Tamarack) dated May 25, 2004 has been received on behalf of Licensee Tamarack, requesting partial revocation of the license by the State Water Resources Control Board (State Water Board), Division of Water Rights (Division).
2. The Division interprets the Licensee's request for partial revocation as a waiver of the notice and hearing requirements set forth in Water Code sections 1675 through 1675.2.
3. Amended Licenses 10829, 10830, and 12457 shall be issued to Mt. Ralston Properties Association, Inc.

State Water Board standard license terms pertaining to continuing authority, water quality objectives, protection of endangered species, and the need for State Department of Fish and Game streambed alteration agreement shall be updated or added to the amended licenses.

A term has been added to amended License 12457 to state that the license for standby domestic use may be lost through five or more years of non-use.

The State Water Board has determined the amended licenses do not constitute initiation of a new right, and do not injure prior rights or the public trust resources of the State.

Therefore, it is ordered that Tamarack Park Homeowners' Association, Inc. portion of Licenses 10829, 10830 and 12457 is hereby revoked by the State Water Board, and the water is declared to be subject to appropriation. Amended Licenses 10829, 10830 and 12457 are hereby issued to Mt. Ralston Properties Association, Inc. This partial revocation may not result in additional water being available for new appropriations if there are applicable restrictions due to past State Water Board decisions regarding water availability.


Victoria A. Whitney, Chief
Division of Water Rights

Dated: **AUG 02 2005**

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 15623 PERMIT 10214 LICENSE 10830

**ORDER CORRECTING THE PURPOSE OF USE
AND AMENDING THE LICENSE**

WHEREAS:

1. License 10830 was issued to Mt. Ralston Properties Association, Inc., and Tamarack Park Homeowner Assn., Inc. pursuant to Application 15623, and was recorded with the County Recorder of El Dorado County on July 28, 1978, Book 1656, Page 712.
2. Licensee has requested that the purpose of use be corrected from Domestic To Standby Emergency Domestic and Fire Protection use.
3. The State Water Resources Control Board (Board) has determined that said correction will not initiate a new right nor operate to the injury of any other lawful user of the water and that good and sufficient cause has been shown for said correction.
4. License condition pertaining to the continuing authority of the Board should be updated to conform to Section 780(a) of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The Purpose of Use shall be Standby Emergency Domestic and Fire Protection uses.
2. Use of water under this license is restricted to Standby Emergency Domestic and Fire Protection uses and the license shall remain active only so long as the standby diversion system and service facilities are maintained in proper operating condition.
3. The license condition pertaining to the continuing authority of the Board be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

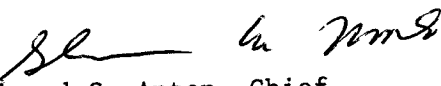
The continuing authority of the Board may be exercised by imposing

Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: OCTOBER 04 1991

for 
Edward C. Anton, Chief
Division of Water Rights



STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 15623

PERMIT 10214

LICENSE 10830

THIS IS TO CERTIFY, That

HAVE *made proof as of* JULY 29, 1975 *(the date of inspection)*
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of
TAMARACK CREEK IN EL DORADO COUNTY

tributary to SOUTH FORK AMERICAN RIVER THENCE AMERICAN RIVER

for the purpose of DOMESTIC AND FIRE PROTECTION USES
under Permit 10214 of the Board and that the right to the use of this water has been perfected
in accordance with the laws of California, the Regulations of the Board and the permit terms; that the
priority of this right dates from NOVEMBER 27, 1953 and that the amount of water to which
this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated
purposes and shall not exceed TWENTY THREE THOUSANDTHS (0.023) CUBIC FOOT PER SECOND, T
DIVERTED FROM JANUARY 1 TO DECEMBER 31 OF EACH YEAR. THE MAXIMUM AMOUNT DIVERTE
UNDER THIS LICENSE SHALL NOT EXCEED 9.6 ACRE-Feet PER YEAR.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

NORTH 1,300 FEET AND EAST 650 FEET FROM S1/4 CORNER OF SECTION 9, T11N, R17E,
MDB&M, BEING WITHIN SW1/4 OF SE1/4 OF SAID SECTION 9.

A DESCRIPTION OF LANDS OR THE PLACE WHERE
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

WITHIN N1/2 OF NE1/4 AND N1/2 OF S1/2 OF NE1/4 OF SECTION 16, T11N, R17E, MDB&M

THIS LICENSE SHALL NOT BE CONSTRUED AS CONFERRING UPON THE LICENSEE RIGHT
ACCESS TO THE POINT OF DIVERSION.

Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

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Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: JULY 24 1978

STATE WATER RESOURCES CONTROL BOARD

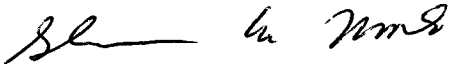
R. S. Rumberger
Chief, Division of Water Rights

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(0000012)

Dated: OCTOBER 04 1991

for 
Edward C. Anton, Chief
Division of Water Rights